

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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BLUE MAGIC PRODUCTS, INC.,
(BOYD FLOTATION, INC., ALLEGED
SUCCESSOR OR ASSIGN),

Plaintiff,

NO. CIV. S-00-1155 WBS JFM
NO. CIV. S-04-2398 WBS JFM

v.

O R D E R

BLUE MAGIC, INC., et al., (THE
RECTORSEAL CORPORATION,
SUCCESSOR),

Defendant.

BOYD FLOTATION, INC.,

Plaintiff

v.

THE RECTORSEAL CORPORATION,

Defendant.¹

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¹ For purposes of consistency, the court maintains the same captioning originally used in the this matter. (See May 12, 2005 Order Re: Motion to Enforce Settlement Agreement and Motion For Declaratory Relief).

1 The Rectorseal Corporation ("Rectorseal") has filed a
2 bill of costs and motion for award of attorneys' fees set for
3 hearing on August 8, 2005. Boyd Flotation, Inc. ("Boyd
4 Flotation") has filed an ex parte application to continue the
5 hearing on Rectorseal's motion to August 22, 2005. (See Pls.' Ex
6 Parte Application For Continuance of Hearing ("Pl.s' Ex Parte
7 Application") at 1). Boyd Flotation's counsel, Kenneth C.
8 Mennemeier, states in a signed declaration that he will be on
9 vacation with his family the week of the hearing and that he
10 believes it is important for him to cover the hearing on behalf
11 of his client. (Mennemeier Decl. in Supp. of Pl.'s Ex Parte
12 Application ¶¶ 3, 7). These constitute sufficient reasons for
13 granting Boyd Flotation's application.

14 However, the court notes that Rectorseal objects to
15 Boyd Flotation's application for a continuance on the grounds
16 that the continuance would cause Rectorseal to incur additional
17 travel expenses that could otherwise be avoided if the hearing
18 date were to remain undisturbed. (See Baker Decl. in Supp. Of
19 Def.'s Response & Objection to Pl.'s Ex Parte Application ¶ 8).
20 In light of Rectorseal's objection, the court will allow
21 Rectorseal's counsel to appear at the newly scheduled hearing
22 telephonically if he so chooses. This option should allow
23 Rectorseal to avoid incurring any additional travel expenses as a
24 result of the continuance.

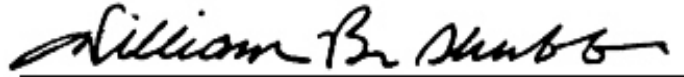
25 IT IS THEREFORE ORDERED that the hearing on defendant's
26 bills of costs and motion for award of attorneys' fees is

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1 continued from August 8, 2005 to August 22, 2005. Defendant's
2 attorney may appear at the August 22, 2005 hearing by telephone
3 if he so chooses.

4 DATED: July 25, 2005

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7 WILLIAM B. SHUBB

8 UNITED STATES DISTRICT JUDGE
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